

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BENJAMIN A. SWITEK, #767054,

Plaintiff,

v.

CASE NO. 2:21-CV-12447
HONORABLE SEAN F. COX

ISABELLA COUNTY PROSECUTOR, et al.,

Defendants.

**OPINION AND ORDER DISMISSING THE CIVIL RIGHTS CASE
AND DENYING THE MOTION TO CONSOLIDATE**

Benjamin A. Switek (“Plaintiff”), an inmate at the Midland County Jail, filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983 in which he appears to challenge ongoing state criminal proceedings and his current confinement. He names several defendants, including state and tribal courts, state prosecutor’s offices, a public defender’s office, a law firm, police departments, and a judge, and seeks monetary damages and various types of injunctive relief. Plaintiff did not pay the filing fee and administrative fee for this action, nor did he submit an application to proceed without prepaying fees or costs.

The Court issued a deficiency order on October 20, 2021 requiring Plaintiff to either pay the required fees or to submit an application to proceed without prepaying fees or costs within 30 days of the filing date of the order. The order provided that he did not do so, the case would be dismissed. Shortly thereafter, Plaintiff filed a motion to consolidate this case with another civil rights case and several habeas cases, some of which are closed. Plaintiff, however, did not correct the deficiency for this case. Consequently, this case is not properly filed. Accordingly, the Court **DISMISSES WITHOUT PREJUDICE** this case for failure to comply with the federal rules and the Court’s order.

Given this determination, the Court also **DENIES** Plaintiff's motion to consolidate.¹ Should Plaintiff wish to pursue his claims, he must file a new civil rights action that complies with the applicable filing requirements.² This case is closed and will not be reopened.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: December 3, 2021

¹The Court notes that even if Plaintiff had corrected the deficiency, it would be inappropriate to consolidate this civil rights case with habeas cases or closed cases. Plaintiff also fails to show that consolidation with his other pending civil rights action is warranted. This dismissal is without prejudice to his other pending actions.

²Alternatively, Plaintiff could seek to amend his other pending civil rights case if he has grounds to do so. The Court makes no determination as to the merits of any such motion.